



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,184	09/25/2003	Eduard K. de Jong	SUN-040027	9837
24209	7590	12/30/2008	EXAMINER	
GUNNISON MCKAY & HODGSON, LLP			PICH, PONNOREAY	
1900 GARDEN ROAD				
SUITE 220			ART UNIT	PAPER NUMBER
MONTEREY, CA 93940			2435	
			MAIL DATE	DELIVERY MODE
			12/30/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10672184	9/25/2003	DE JONG, EDUARD K.	SUN-040027

EXAMINER

PONNOREAY PICH

ART UNIT	PAPER
----------	-------

2435                  20081120

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply brief filed on 11/3/08 is entered and forwarded to the Board. The examiner notes appellant states in the reply brief that 37 CFR 41.37 provides for the possibility that grounds may be raised for the first time on appeal by appellant. However, the examiner notes that contrary to appellant's assertions, 37 CFR 41.37(b)(2) clearly states a brief shall not include any new evidence. New arguments is clearly new evidence. This rule is in line with Golden Bridge Technology Inc. v. Nokia In.c, 87 USPQ2d 1049 (Fed. Cir. 2008) which also forbids new arguments being raised on appeal without appropriate justification.

/Ponnoreay Pich/  
Examiner, Art Unit 2435